1 BEFORE THE POLLUTION CONTROL HEARINGS BOARD 2 STATE OF WASHINGTON 3 IN THE MATTER OF BARBER LINES, 4 C/O OVERSEAS SHIPPING COMPANY, 5 Appellant, PCHB No. 253 6 vs. FINDINGS OF FACT, CONCLUSIONS AND ORDER PUGET SOUND AIR POLLUTION CONTROL AGENCY, 8 Respondent. 9

A formal hearing on the appeal of Barber Lines to a Notice of Civil Penalty of \$250.00 for an alleged smoke emission violation came on before Walt Woodward, hearing officer, and W. A. Gissberg, both members of the Pollution Control Hearings Board, on May 3, 1973, in Lacey, Washington.

Appellant appeared by and through its agent F. D. Sundt of Overseas Shipping Company; respondent appeared by and through its attorney, Keith D. McGoffin.

Having reviewed the transcript of the testimony and the

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1 exhibits admitted into evidence and being fully advised, the Board 2 makes the following:

FINDINGS OF FACT

I.

The T/S Queensville, a steam turbine ship chartered by appellants from its Norwegian owners was, on December 4, 1972, berthed at Tacoma, Washington. She had, in 1970, received new burners and equipment for the sole purpose of minimizing the pollution caused by firing up her boilers and, when in port relies upon diesel generators for its electrical power.

II.

A 9:30 a.m. on that day, the chief engineer commenced firing the boiler preparatory to getting under way. By 2:10 p.m. sufficient steam pressure was attained so that at 2:15 p.m. the steam generator, and at 2:20 p.m. the turbine generator, were started.

III.

Although the automatic equipment aboard her should have prevented continuous smoke for more than one minute at a time during the period from 2:00 p.m. to 2:30 p.m., the fact remains that a plume of black smoke varying between a Ringelmann 3 and 3-1/2 was emitted from her stack for a period of about 16 minutes. Her chief engineer describes as "light" smoke, an emission from her, at 2:20 p.m., which was a Ringelmann 5.

IV.

Section 9.03(a) of respondent's Regulation 1 makes it unlawful t cause or allow the emission of an air contaminant darker in shade than

27 | FINDINGS OF FACT,

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1	No. 2 on the Ringelmann Chart for more than three minutes in any hour.
2	From these Findings, the Pollution Control Hearings Board makes
3	these:
4	CONCLUSIONS
5	r.
6	Appellant, and its ship, was in violation of Section 9.03(a)
7	of respondent's Regulation 1.
8	II.
9	Having had no other prior offense and considering the efforts
10	of the owners of the vessel to minimize pollution, it is proper
11	that a portion of the civil penalty be conditionally suspended.
12	Therefore, the Board issues this:
13	ORDER
14	The appeal is denied but \$150.00 of the \$250.00 civil penalty is
15	suspended upon condition that appellant has no further violations of
16	respondent's Regulation 1 for one year from the date of this order.
17	DONE at Lacey, Washington this the day of Seftember, 1973.
18	POLLUTION CONTROL HEARINGS BOARD
19	Hall Woodward
20	WALT WOODWARD, Chairman
21	Ula has way
22	W. A. GISSBERG, Member
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24	JAMES T. SHEEHY, Member
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27 FINDINGS OF FACT,

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